

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff

V.

JAMES R. POWELL, RALPH
MITCHELL, MARK J. CORJAY,
MICHAEL D. SCANNELL, and
E. SUZANNE GARRETT,

Defendants.

CASE NO. 4:06cv311

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND
DENYING MOTION FOR RECONSIDERATION**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636, Defendant's objections to that report, and Plaintiff's Motion for Reconsideration (Dkt. 44). On August 23, 2007, the report of the Magistrate Judge was entered, ordering that Defendant's motion for protection be granted and Defendant's documents be returned and containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss be denied.

The Court, having made a *de novo* review of the objections raised by Defendant and of Plaintiff's motion for reconsideration, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff and Defendant are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the

findings and conclusions of this court.

It is, therefore, **ORDERED** that Defendants' Motion to Dismiss (Dkt. 28) is **DENIED**, Plaintiff's Motion for Reconsideration (Dkt. 44) is **DENIED**, and the Magistrate Judge's ruling granting the protective order and order to return Defendant's documents is affirmed.

SO ORDERED.

SIGNED this 2nd day of November, 2007.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE